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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jayshree Bharatia et al.
Serial No.: 10/575,999
Filed: April 17, 2006
For: METHOD FOR OBTAINING LOCATION INFORMATION FOR
EMERGENCY SERVICES IN WIRELESS MULTIMEDIA
NETWORKS
Group No.: 2617
Examiner: Munjalkumar C. Patel
Confirmation No.: 9376

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Commissioner for Patents
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Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. This review is requested for the reasons stated in the arguments below, demonstrating the clear legal and factual deficiency of the rejections of some or all of the claims.

Claims 1-6, 8, 12-15 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (U. S. Patent Application Publication No. 2002/0042277) in view of Zonoun (PCT International Publication WO 02/33897). Claims 9-11 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Smith in view of Zonoun and further in view of Takeda (US 7,286,520).

These rejections are respectfully traversed.

Claim 1 recites: (1) receiving a first request message from a multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE).

The most recent final Office Action (dated July 21, 2010) confirms that the Office is asserting that Smith's information request 85 from the Company Representative 81 reads on receiving a first request message from a multimedia server. See, Office Action, pp. 2-3. As a result, the Company Representative 81 must be read, for further consistent interpretation of additional recited elements, as equivalent to Applicants' multimedia server. Applicants respectfully submit that the Company Representative 81 cannot be deemed equivalent to Applicants' recited multimedia server. This is because the Company Representative 81 does not receive an emergency request message from the user equipment. The final Office Action does not dispute this, as it concedes that "Smith fails to disclose receiving a first request message from the multimedia server (Smith: Fig 6: 85 & paragraph 0045) in response to the multimedia server receiving an emergency request message from user equipment (UE)." Office Action, page 3.

The Office Action then asserts that Zonoun discloses sending an emergency indication over a packet-based network, and Zonoun discloses "receiving a first request message from the multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE)" citing Zonoun, Figures 2-8 and page 8, lines 10-25. See, Office Action, page 3. The Applicants respectfully traverse the assertion that the Zonoun reference discloses this missing element, or its combination with Smith teaches or suggests Applicants' claimed invention. Nowhere does the Office Action point out which elements in Zonoun are the UE and the multimedia server, respectively. It *appears* the Office Action argues that the computer system 200 is the UE (by citing

to page 8, lines 10-25), but the Office Action does not point out which component of Zonoun is the multimedia server. Zonoun's computer system 200 includes an emergency activation button 202 that, when selected by a user, causes the computer system 200 to send an emergency call to an emergency dispatch center 112 over a data network 12 using HTTP or SIP messages. Zonoun, pp. 7-8. No "multimedia server" has been specifically described in Zonoun, and the Office Action fails to identify which element the Examiner identifies as the "multimedia server" in Zonoun. Thus, the Office Action has failed to establish, *prima facie*, that Zonoun discloses all of the elements of the claim phrase at issue.

Even if the Office Action were to argue that an intermediate SIP server or other device (positioned between the computer system 200 and the emergency dispatch center 112) is equivalent to Applicants' recited multimedia server, the relevant portions of Zonoun merely describe the conventional sending of a SIP or HTTP emergency call from a computer terminal 200 (UE) to an emergency dispatch center 112. In such a case, Zonoun does not appear to describe that (1) the emergency dispatch center 112 receives a request message from an intermediate device, (2) the emergency dispatch center 112 communicates a location request (to somewhere), (3) the emergency dispatch center 112 receives a location response (from somewhere), and (4) then the emergency dispatch center 112 apparently must communicate a second request message to the intermediate device – in order to be combined with Smith and have the combination meet the other recited elements of Claim 1. See, Claim 1. Thus, the proposed combination of Zonoun with Smith does not render a method (or communications system) that is logical, let alone practical.

Moreover, it is impractical for the Company Representative 81 in Smith to be replaced by the computer system 200 of Zonoun. The Company Representative 81 does not issue an emergency call,

while in Zonoun the computer system 200 generates the emergency call. Thus, it is not the location of the Company Representative 81 in Smith that is relevant – it is the location of the subscriber UE that generated the emergency call that is important. Based on this, the proposed combination of Zonoun with Smith is impractical and would not result in the claimed invention.¹ For at least these reasons, independent Claims 1, 9 and 12 (and their dependent claims) are patentable over the cited references and the rejections have been overcome. Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejection of Claims 1-6, 8-15 and 18.

Applicants have reviewed the Office's response (set forth in the final Office Action) to Applicants' previous arguments. It appears the Office now interprets the combination of Smith's Company Representative 81 and a separate SIP server 73 as meeting Applicants' claimed "multimedia server." Even so, this is irrelevant. Applicants respectfully submit that the final Office Action fails to identify any teaching in Smith that shows *any other* communication message to the Company Representative 81/SIP server 73 – such as the claimed emergency request message from a UE – that *triggers or initiates* the information request 85. The Office appears to assert that merely identifying in the prior art: (1) one entity transmitting a message to another entity (Smith), and (2) a UE sending an emergency request message to a dispatch center (Zonoun), there exists a teaching or motivation to combine these two references such that the UE should send an emergency request message to the one entity (in the first reference) and that entity sends a message to another entity. This type of analysis for obviousness is inappropriate. Similarly, there is simply no teaching or suggestion that the UE (of Zonoun) should (or would) send its emergency request message to the

¹ Takeda does not cure the noted deficiencies in Smith and Zonoun (see also, Applicants' prior responses).

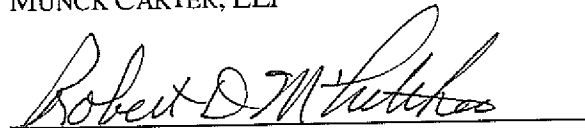
Company Representative/SIP server (of Smith) and, then, for that entity to then send a location message request message to another entity. Smith teaches when a user (the Company Representative 81) wants to know the location of subscribers in the network, then it generates and sends out the information request 85 – nothing more.

Based on the foregoing, there is no teaching, motivation or suggestion to combine Zonoun with Smith. Any such proposed combination would not result in the claimed invention.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Nortel Networks Deposit Account No. 14-1315.

Respectfully submitted,

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